

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KENNETH BRYANT,	§	
BRYANT ENTERPRISES, LLC,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	No. 1:24-cv-986-DAE
	§	
CARSTEN JASON GALLINI,	§	
<i>Defendant.</i>	§	
	§	

ORDER

Before the Court is Plaintiffs' Motion to Dismiss Defendant Carsten Jason Gallini's counterclaims. (Dkt. # 7). The Motion was filed on November 8, 2024, and Defendant's deadline to respond expired on November 22, 2024. To date, no response has been filed. Pursuant to Local Rule CV-7(d), the motion is deemed unopposed.

Moreover, the Court has reviewed the motion and concludes that it should also be granted on the merits. Defendant's defamation counterclaims rely solely on statements made in Plaintiffs' pleadings, which are protected by the judicial-proceedings privilege under Texas law. See Landry's, Inc. v. Animal Legal Def. Fund, 631 S.W.3d 40, 46 (Tex. 2021) (recognizing an absolute privilege for statements made in judicial proceedings). Additionally, Defendant has failed to comply with the statutory pre-suit retraction demand requirement mandated by

Texas Civil Practices and Remedies Code § 73.055. These deficiencies preclude Defendant from maintaining his counterclaims as a matter of law.

Accordingly, Plaintiffs' Motion to Dismiss Defendant's counterclaims is **GRANTED**, and the counterclaims are **DISMISSED WITH PREJUDICE**.

(Dkt. # 7.)

It is so **ORDERED**.

SIGNED: Austin, Texas, January 7, 2025.



David Alan Ezra
Senior United States District Judge